

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | |
|--|---------------------------|
| Johnnie M. DuBose, |) |
| |) C. A. No. 07-45 SLR/LPS |
| Plaintiff, |) |
| |) |
| v. |) |
| |) |
| Michael Walsh, in His Official Capacity as |) |
| New Castle County Sheriff; American |) |
| Business Credit (ABC); Robert K. Beste, Jr., |) |
| Maggie Clausell, Esq., |) |
| |) |
| Defendants. |) |

**RESPONSE OF DEFENDANT ROBERT K. BESTE, JR. TO
MOTION FOR RECONSIDERATION: MOTION FOR
DEFAULT JUDGMENT OF PLAINTIFF, JOHNNIE M. DUBOSE**

COMES NOW, Defendant Robert K. Beste, Jr., and respectfully responds to the Motion for Reconsideration: Motion for Default Judgment of Plaintiff Johnnie M. DuBose, and states as follows:

1. On or about March 16, 2007, I did file a "Response to Plaintiff's Initial Motion for Default Judgment" (Doc. No. 20).
2. As indicated in that initial Response, I did file a Motion to Dismiss the Complaint, on February 13, 2007 (Doc. No. 9), which Complaint was filed by Plaintiff, and served upon me on or about January 23, 2007. Such motion was timely filed.
3. In accordance with Fed. R. Civ. P. 12(a)(4), an Answer is not due until the Court has approved, denied, or otherwise resolved the Motion to Dismiss.

WHEREFORE, it is respectfully submitted that Plaintiff's "Motion for Reconsideration:

Motion for Default Judgment of Plaintiff Johnnie M. DuBose,” should be denied.

/S/ Robert K. Beste, Jr., Esq. (I.D. No. 154)

Robert K. Beste, Jr., Esq. (I. D. No. 154)
Cohen, Seglias, Pallas, Greenhall & Furman,
P.C.
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(302) 425-5089

Date: March 18, 2008

RKB/msj
05021-21-0059; Doc. #30

CERTIFICATE OF SERVICE

I, Robert K. Beste, Jr., do hereby certify that on this 18th day of March, 2008, a true and correct copy of the "Response of Defendant Robert K. Beste, Jr. to Motion for Reconsideration: Motion for Default Judgment of Plaintiff, Johnnie M. DuBose," was given to the following, by the method indicated:

By First-Class Mail

Mr. Johnnie M. DuBose
4 Teakwood Lane
Wilmington, DE 19801

American Business Credit, Inc.
c/o John T. Carroll, III, Esq.
Cozen O'Connor
1201 N. Market St., Suite 1400
Wilmington, DE 19801
(Counsel to George L. Miller, in his capacity as Chapter 7 Trustee for the estates of debtors)

Laura T. Hay, Esquire
(Assistant County Attorney)
New Castle County Law Dept.
87 Reads Way
New Castle, DE 19720

By Electronic Service

Paul Cottrell, Esquire
Tighe & Cottrell, P.A.
704 N. King Street, Suite 500
P. O. Box 1031
Wilmington, DE 19899

/S/ Robert K. Beste, Jr., Esq. (I.D.#154)

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05021-059, Doc. 31